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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,263	06/29/2004	Le-Jen Wang	CHEP0033USA	4262

27765 7590 05/25/2006

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
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EXAMINER
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GHATT, DAVE A

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/710,263

Applicant(s)

WANG ET AL.

Examiner

Dave A. Ghatt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 3, 4, 6, 7, 9, 10, 11, 12, 13, 15, 16, and 18, are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi (JP 05138988 A). With respect to claims 1 and 10, as shown in Figures 1 and 2, Kobayashi teaches a printer having a housing (shown generally at 1) having an access opening and a cover (shown generally at 28) for blocking the access opening of the printer. Figures 5 and 6 show a positioning apparatus (29, 30) coupled to the cover for controlling movement of the cover. As outlined in the translated abstract, the positioning apparatus controls the cover to not block the access opening if the printer is printing.

With respect to claims 2 and 11 as shown in Figures 1, 5, and 6, Kobayashi teaches the cover comprising a plate 28 for blocking the access opening, and a hinge (located at 21) coupled to the plate for allowing the plate to pivot away from the access opening.

With respect to claims 3 and 12, as shown in Figures 5 and 6, the positioning apparatus (22 or 29) drives the plate 28 to swing via the hinge (at 21) for controlling movement of the cover.

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With respect to claims 4 and 13, Kobayashi teaches the claimed structure. The access opening of Kobayashi meets the requirements of this claim because it can be used to deliver a sheet of print paper.

With respect to claims 6 and 15, Kobayashi teaches the claimed apparatus. Kobayashi teaches the positioning apparatus having a motor (see attached machine translation description of Drawing 6) for supplying a rotational motion, and a Scotch yoke (shown generally at 30, including slotted region at the bottom or arm 30) coupled to the motor for converting the rotational motion into a linear motion for moving the cover 28.

With respect to claim 7 and 16, Kobayashi teaches the self-positioning guard having an arm for 30 moving the cover; and a disc 29 coupled to the arm and the motor for transforming the rotational motion into the linear motion.

With respect to claims 9 and 18, as shown in Figures 3-6, the positioning guard is positioned inside the housing of the printer.

3. Claims 1, 2, 4, 5, 10, 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yano (JP 2002301848 A). With respect to claims 1 and 10, as shown in Figure 1 Yano teaches a printer having a housing (shown generally at 1) having an access opening and a cover (shown generally at 21) for blocking the access opening of the printer. As broadly recited, Yano teaches a positioning apparatus (the portion of the housing that mates with hinge 20) coupled to the cover for controlling movement of the cover. As outlined in the machine translation, the positioning apparatus holds (controls) the cover to not block the access opening if

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the printer is printing. The applicant should note that this condition is met when anytime the cover is kept open during a printing operation. See also translated abstract.

With respect to claims 2 and 11 as shown in Figure 1, Yano teaches the cover comprising a plate (shown generally at 21) for blocking the access opening, and a hinge (located at 20) coupled to the plate for allowing the plate to pivot away from the access opening.

With respect to claims 4 and 13, Yano teaches the claimed structure. The access opening of Kobayashi meets the requirements of this claim because it can be used to deliver a sheet of print paper.

With respect to claims 5 and 14, Yano teaches the claimed invention. As shown in Figure 1, the access opening is positioned on the housing and can be used as a paper ejecting exit for retrieving jammed paper. This is all that is required to meet the limitations of this claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tainer (US 6,249,299) in view of Kobayashi (JP 05138988 A). As shown in Figure 1, Tainer teaches a dye diffusion thermal transfer printer. However, Tainer does not disclose the overall structure of the printer. As shown in Figures 1 and 2, Kobayashi teaches a printer having a housing (shown

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generally at 1) having an access opening and a cover (shown generally at 28) for blocking the access opening of the printer. Figures 5 and 6 show a positioning apparatus (29, 30) coupled to the cover for controlling movement of the cover. As outlined in the translated abstract, the positioning apparatus controls the cover to not block the access opening if the printer is printing. To one of ordinary skill in the art, it would have been obvious to have an overall printer structure as taught by Kobayashi, with dye diffusion thermal transfer printer of Tainer, for the benefit of releasing heat to the atmosphere as outlined in the translated abstract of Kobayashi.

#### ***Response to Arguments***

6. The applicant's request for reconsideration, submitted March 01, 2006, has been considered by the Office. The applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection. In view of the new grounds of rejection, this action has been made NON-final.

#### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A. Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



**ANDREW H. HIRSHFELD**  
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